

Federal Depository Library Program Task Force
Final Report, June 2013
Submitted by Sarah Holterhoff, Chair

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I. Introduction

This report provides background on the Task Force and a summary of its activities. The Task Force met several times during the 2012 AALL Annual Meeting, held periodic conference calls, and communicated using its e-group list on AALLNET. A preliminary report from the Task Force appeared in the Summer 2012 Executive Board Book (Tab 25). The following final report concludes with an action plan with recommendations intended to sustain AALL's ongoing support of the Federal Depository Library Program (FDLP).

II. Background on the Task Force and its Charge

The Task Force was formed by President Darcy Kirk in April 2012, in response to a general shift in attitudes and perceptions about the future of the FDLP and to a new Forecast Study initiative that the Government Printing Office (GPO) had announced: to gather information from depository libraries using questionnaires; to analyze the results; and to develop a national plan for the future. Twelve hundred libraries—two hundred of them law libraries—work in partnership within the FDLP to provide public access to federal government information in a variety of formats. In order to continue AALL's long-standing support of law library participation in the program, Task Force members were directed to highlight the benefits of the program, to identify changes to the program that would encourage continued participation by law libraries, and to facilitate a broader role for law librarians in a national conversation about the FDLP's future that was already underway.

Members of the Task Force:

Sarah Holterhoff (Chair)
Kate Irwin-Smiler
Keith Ann Stiverson
Camilla Tubbs

Board Liaison: Darcy Kirk
Staff Liaison: Emily Feltren

III. Activities of Task Force

The newly-formed Task Force received some visibility right away when Chair Sally Holterhoff was asked to introduce a webinar co-sponsored by AALL and GPO. *Law Librarians and the Federal Depository Library Program: Working Together for a Successful Future* offered information about the Forecast Study and tips on completing the questionnaire. In her introduction, she mentioned the history that law libraries and the FDLP have shared for more than 100 years. This history includes the 1972 law that added the highest appellate courts of the states to the program and the 1978 law that made academic law libraries eligible for depository status. In making these additions, Congress acknowledged the natural fit between the service and research missions of law libraries and the goals of the depository program. Approximately 150 law school libraries and 50 state, court, county, and government law libraries currently participate in the FDLP, but the influence of the depository program extends far beyond those 200 libraries. The legal profession depends on the federal government to provide official, authentic versions of the primary sources of law. The working partnership between law libraries and the FDLP serves the public good by providing access to justice.

To encourage law librarians to respond to the Forecast questionnaire, several messages were posted from the Task Force on the e-group list of the Government Documents SIS. In June the Chair wrote a guest post for the Washington Blawg (<http://aallwash.wordpress.com/2012/06/>). Because the questionnaire included a number of open-ended questions, it offered an opportunity for law librarians to mention such high priority concerns as digital authentication, online court opinions, permanent public access, and primary legal sources in print.

As it turned out, the rate of responses by law librarians to the survey was quite good overall. In the academic law library category, 71 percent submitted a completed questionnaire. For the highest state court library category, the response rate was 70 percent. The lowest response percent was from the federal court library category, at 46 percent. Law librarians also worked together very effectively with colleagues in public, government and other academic libraries to create state action plans in a number of states.

Throughout much of the year members of the Task Force had proceeded with the understanding that GPO would be providing a customized report of the specific law library responses to the FDLP Forecast Survey. It was anticipated that such information could be used by the Task Force to create an AALL action plan regarding the future of the FDLP. However, by March it had become apparent that GPO would not be compiling such customized reports, due to staff reductions for budgetary reasons. When GPO released in May the first of several groupings of data reports from Forecast Study results, Task Force members and the AALL Government Relations Office (GRO) began analyzing the law library responses. General conclusions can be drawn from the data, but so far those don't seem particularly useful for future planning. Given the fact that future releases are scheduled after the Task Force term is over, it will be necessary for data analysis to be continued by the GRO or some other AALL entity.

One aspect of the Task Force's charge was to "identify common concerns using focus groups, surveys, or other techniques to develop specific suggestions for what law libraries need to stay in the program..." Task Force members did this through focused telephone interviews. In June 2012 the Task Force created a list of 40 AALL members connected with or interested in the FDLP,

selected from the registrants list for the April webinar. A list of suggested questions for the calls was developed:

- What are the two or three most important benefits your library receives from participation in the depository program? How can those benefits be maximized for law libraries?
- What are two or three obstacles that may stand in the way of your library continuing in the program, and how can they be addressed?
- What things can you imagine an ideal depository library program providing for law libraries?
- On what aspects of the program do you think GPO should focus attention: print or digital content; FDsys; authentication; PACER/electronic court opinion access; training, etc.?
- On what FDLP issues and aspects of the program should the Gov Docs SIS and AALL's Government Relations Office focus attention?
- Looking to the future, what do you as a law librarian and AALL member care about most regarding the FDLP?

Each Task Force member scheduled and conducted ten calls, then summarized the responses. The Chair compiled all the results. Common themes were identified, as well as new ideas and suggestions that seemed promising. Because the Task Force had been charged to communicate such findings to GPO, a session with Mary Alice Baish, Superintendent of Documents, was held at the 2012 AALL Annual Meeting in Boston. Task Force members discussed the results of their calls with her and with Jane Sanchez, Director of Library Services and Content Management. A summary of comments from the phone calls is attached to this report as Appendix A.

In addition to that meeting, other activities kept Task Force members busy in Boston. Several participated in the Saturday morning Legislative Advocacy training, including a breakout session on law library participation in the future of the FDLP, led by Sally Holterhoff (with assistance from Melanie Oberlin Knapp, incoming chair of the AALL Government Relations Committee). The Task Force had arranged for a space at the table of the Government Relations Committee in the Activities Area of the Exhibit Hall, which was staffed by a Task Force member during No-Conflict times. Kate Irwin-Smiler created stickers (with the catch phrases: Gov Docs Rock, i <heart> FDLP, & Respect Mah Authentication) and Keith Stiverson contributed candy. The Chair also spoke briefly about the work of the Task Force at the Chapter Leadership Roundtable on Government Relations. The Task Force organized a breakfast meeting at a local restaurant with some Depository Library Council (DLC) and American Library Association (ALA) leaders who were attending the Annual Meeting: Suzanne Sears (ALA-GODORT Chair), Shari Laster (DLC Chair), Janet Fisher (member of the ALA Council on Legislation's FDLP Task Force), and James R. Jacobs (former DLC Chair). Discussion centered on the shared goal of promoting the value of the FDLP, even if priorities within the program vary among the library organizations. Attendees agreed that librarians need to collaborate in order to be more effective in promoting a unified message: that there should continue to be a depository program in some form, even if changes are made to the governing law.

In an instance of collaboration with the American Library Association, a representative from the ALA Committee on Legislation's Future of Federal Depository Libraries Task Force asked Sally Holterhoff for comments on ALA's Framework/Charter for their Task Force in the area of authentication of federal government information. AALL's Task Force provided comments in February 2013.

One part of the Task Force charge mentions “working with the Public Relations Committee to develop a public relations campaign about the FDLP in law libraries.” The Task Force interpreted this broadly to mean an activity or initiative to improve the visibility of law library depositories. Camilla Tubbs contacted the AALL Public Relations Committee for 2012-2013 and asked them to consider adding “Government Information Librarians or Libraries” as a new category in AALL’s Day in the Life photo contest that their committee conducts each year. The P.R. Committee agreed and the category was well-received, producing a number of entries, out of which three winners were selected. The Task Force is seeking permission from the submitting photographers to use some of their photos for displays at the 2013 AALL Annual Meeting and for other purposes.

The Task Force was well underway by August 2012, when an unanticipated development required attention and response. The National Academy of Public Administration (NAPA) announced that it was conducting a library community survey as part of an “operational review” of GPO. Mandated by Congress, this review was intended to focus on GPO’s current role, its operations, and its future direction. Depository coordinators and library directors of all FDLP libraries were asked to complete a survey covering GPO and the FDLP, with an early September deadline. Although the Task Force was concerned that AALL members might be resistant to answering yet another set of questions about their depository participation, a special effort was made to encourage law librarians to respond, using an e-group posting to members of the Government Documents SIS. The message said that although depository coordinators in law libraries might be reluctant to take part so soon in another feedback-gathering effort, they could probably re-purpose some of their library’s previous responses to questions on the GPO Forecast Study to reply to NAPA’s questions. Some GPO Forecast Study questions that were similar to those on the NAPA survey were identified. The underlying purpose was to stress that completing this survey was an important way to support the FDLP and to advocate for full funding for GPO to continue their work on authentication and harvesting of federal agency content. On behalf of the Task Force, the Chair participated in a lengthy phone interview with two NAPA staff members.

In Feb. 2013 NAPA released its final report on the Government Printing Office: *Rebooting The Government Printing Office: Keeping America Informed in the Digital Age, A Report by a Panel of the National Academy Of Public Administration for the U.S. Congress, Congressional Research Service, and the Government Printing Office* (<http://www.napawash.org/wp-content/uploads/2013/02/GPO-Final.pdf>). The report contains 27 findings and 15 recommendations. Of particular interest to depository libraries are three findings: on preservation of the Legacy (Tangible) Government Collection, preservation of the Digital Government Collection, and dissemination and access for government information. The most troubling suggestion in the report is that GPO should consider “cost recovery” for access to FDsys. However, we are pleased to note that this suggestion was rejected, both by GPO and by the Committee on House Administration.

In December, Kevin McClure of IIT Chicago-Kent College of Law published a thought-provoking article on “Proclaiming the Value of the Federal Depository Library Program” in the fall issue of the CALL Bulletin. The Task Force agreed that his article presented such a valuable message that it would be beneficial if other AALL chapters reprinted it in their own newsletters, to bring the subject to the attention of a larger audience. Kevin agreed to allow his article to be reprinted with attribution. The Task Force contacted Margaret Schilt, Chair of AALL’s Council of Newsletter

Editors (CONE). She posted on the CONE e-group list a message that explained this opportunity and attached a copy of the article, along with a suggestion that newsletter editors could also ask a depository librarian in their own chapters to write a companion piece. This effort did result in the article being reprinted in the Winter 2013 issue of the MALL (Minnesota Association of Law Libraries) Newsletter.

Because communication with GPO was part of its charge, the Task Force (with the help of the GRO) initiated a letter that was sent in early February to Acting Public Printer Davita Vance-Cooks, signed by AALL President Jean Wenger and by Sally Holterhoff (on behalf of the Task Force). The letter (<http://www.aallnet.org/Documents/Government-Relations/Formal-Statements/2013/lr020413.pdf>) commended GPO for its leadership in providing no-fee permanent public access to federal government information through the FDLP and FDsys. It emphasized the important role of law library depositories and offered AALL's support for GPO. The letter also suggested a meeting between the Acting Public Printer and the AALL President, which took place on April 15 and resulted in an excellent discussion on matters of mutual interest. It is hoped that similar meetings can be held in the future.

In April Kate Irwin-Smiler attended (on behalf of the Task Force) a multi-day virtual event that GPO presented for Preservation Week 2013: Partners in Preservation: Government Information for Future Generations (<http://beta.fdlp.gov/news-and-events/1571-fdlp-celebrates-preservation-week-with-virtual-meeting>). Preservation is a top priority for the future of the FDLP and law librarians have a significant stake in GPO's preservation efforts. Digitization can increase access to print, but it is not a method for print preservation. AALL acknowledges the importance of preservation in the Association's Preservation Policy and supports preservation through organizations such as the Legal Information Preservation Alliance. In NAPA's final report on GPO (mentioned above), Recommendation 3 states that "GPO should work with depository libraries and other library groups to develop a comprehensive plan to preserve the tangible collection of government documents." The perspective of law librarians is important in evolving discussions of preservation and the separate goals of (1) preserving an adequate number of print copies of the legacy print FDLP collection; (2) digitizing the legacy print FDLP collection to increase access to it; (3) preserving born-digital government information. Law librarians have an important role as partners in the work ahead on preservation, within the library community and in cooperation with GPO.

Throughout the year, the Task Force tried to focus the attention on the important role of law libraries in the depository program. Some final attempts by Task Force members to do that will take place at the 2013 AALL Annual Meeting in Seattle. Kate Irwin-Smiler has been the force behind the Poster Session, "Law Libraries and the FDLP: Still a Winning Partnership," which will spotlight both policy and practice in the modern-day law library depository. She has also been investigating law library collection development policies and found some good examples of language mentioning federal depository status and resources. These could serve as models for others to use and the poster will feature them, as well as some "Day in the Life" photos from the "Government Information" category, which show law librarians at work in a depository setting.

Task Force members will be busy taking part in various other Annual Meeting activities in addition to the Poster Session: the CONELL Marketplace; the Legislative Advocacy workshop; the Activities Area of the Exhibit Hall (this year sharing a table with the GD-SIS); the Coffeehouse Chat with the Superintendent of Documents; and the GD-SIS business meeting and breakfast

(where Sally Holterhoff will report on the Task Force's work and ask the SIS for continuing support).

IV. Action Plan for Support of the FDLP by AALL

1. The Task Force has created several new resources, which are linked to from the FDLP page in the Advocacy section of AALLNET. The Task Force recommends that links to these resources be added from the webpage of the Government Documents SIS and that they be shared with the AALL members currently serving on the Depository Library Council. The new resources reinforce the strong ties that law libraries have had with the FDLP through the years and emphasize the need to work together to develop a program that works well in the 21st Century.
 - Selected Resources Concerning Law Libraries and Librarians as Participants in the Federal Depository Library Program, including articles, webinars, Annual Meeting programs, presentations at Depository Library Council Meetings & Federal Depository Library Conferences, and AALL Testimony on the FDLP (beginning with the 104th Congress, 1995-96). (<http://www.aallnet.org/Documents/Government-Relations/FDLPresources.pdf>)
 - A Brief History of the Relationship of Law Libraries and the American Association of Law Libraries with the Federal Depository Library Program. (<http://www.aallnet.org/Documents/Government-Relations/AALLFDLPhistory.pdf>)
 - List of all the law librarians who have served on the Federal Depository Library Council through the years, since its beginning in 1972. (<http://www.aallnet.org/Documents/Government-Relations/lawlibDLC.pdf>)
 - Roster of law library depositories, with name and contact information for the depository coordinator in the library. [Note: this roster is still under development as of early June 2013 but is anticipated to be complete by the time of the 2013 Annual Meeting.] We envision establishment of a Law Library Depository (LL-DEP) e-group, to be used by GD-SIS and GRO to share concerns, innovations, and ideas among depository coordinators in the 200 libraries. The GRO might use this e-group list to send out periodic tips for law libraries in the depository program.
2. The Task Force recommends that the work of the Task Force be continued by the Government Documents SIS, perhaps as a committee or a working group. This new committee or working group could be charged to do the following:
 - plan an educational program or session for the 2014 AALL Annual Meeting in San Antonio about some aspect of law library participation in the FDLP.
 - write an article for *AALL Spectrum* encouraging law libraries of all types to reconsider and renew their commitment to the service, networking, and advocacy aspects of depository status.
 - write an article for *JURISDOCS* that is directed at younger/newer gov docs librarians and coordinators in law libraries, perhaps in the form of a "letter," along

the lines of *Letters to a Young Poet* by Rainer Maria Rilke. This would be a more seasoned librarian offering reflections and passing on some wisdom and/or inspiration...or could be a collection of quotes from several experienced government documents “veterans” in AALL.

- use information in both the Brief History and the List of Law Librarians on the DLC described in Recommendation 1 above to write an article about the history of law libraries for the “Community Insights” section of the FDLP connection (<http://beta.fdlp.gov/all-newsletters/community-insights?start=30>).
 - promote participation by SIS members in the GRO’s Print Resource Usage Log (<http://www.surveymonkey.com/s/PrintResourceLog>). Results of the log have been and will continue to be shared with GPO, the Committee on House Administration, the Senate Rules Committee and the Joint Committee on Printing.
 - encourage depository coordinators in law library depositories to be mindful of their designation dates and plan to celebrate milestone anniversaries (with assistance available from the GRO for certain aspects, such as inviting members of Congress for the Congressional district and writing an op-ed piece to appear in the local press).
3. The Task Force recommends that the leadership of the Government Documents SIS take over and continue the work that the Task Force has started on inclusion of references to FDLP participation in core policies and procedures of law libraries. In particular the Task Force has attempted to identify law library collection development policies that include references to depository resources and to highlight some examples that document a law library’s participation in the FDLP, to be used as models by other libraries. Because there are 150 academic law libraries in the FDLP, this could involve working with the ALL-SIS Collection Development Committee (<http://www.aallnet.org/sis/allsis/committees/colldev/>). Another potential partner in such a project would be the Technical Services SIS. Their list of *Law Library Collection Development Policies: Index By Special Material Type—Collection Policies for U.S. Government Documents* (<http://www.aallnet.org/sis/tssis/committees/acquisitions/collectiondevelopmentpolicies/materialtype/>) should be updated and expanded to include policies from many more of the 200 law library depositories.
4. The Task Force recommends that the AALL Government Relations Office do the following:
- establish a precedent of annual or frequent meetings of the current AALL President with the Public Printer.
 - continue to work with other library organizations, including the American Library Association and its Council on Legislation FDLP Task Force and Government Documents Round Table (GODORT), and the leadership of the Depository Library Council.
 - support preservation of print versions of primary legal sources, in partnership with the Legal Information Preservation Alliance (LIPA) and the PALMPrint project.
 - continue analyzing the data reports from the GPO Forecast Study and report relevant findings to the ALL-SIS and SCCLL-SIS.
 - monitor and publicize digitization projects on the FDLP Digital Projects Registry, particularly in the Legal and Regulatory category (<http://registry.fdlp.gov/listings/legal-regulatory>). Currently listed in that category

are 11 projects, only two of which are being done by law libraries. Encourage more law libraries to undertake such projects.

- continue to convey AALL's support for funding of GPO in the annual appropriations process.

V. Conclusion

Law libraries in the depository program benefit from access to information about GPO's decision-making and a seat at the table in the ongoing conversation about the changing nature of government information and the future of the FDLP. Through participation in the FDLP, law libraries and librarians have been positioned to be effective advocates for the authentication of digital government resources and for the preservation of government information, both the historic print depository collection and that which exists only in digital format.

As foreseen 16 years ago, in a 1997 letter from then-AALL President Frank Houdek and AALL Washington Affairs Representative Robert L. Oakley to William M. Thomas, Chair of the Committee on House Oversight (<http://www.aallnet.org/Archived/Government-Relations/Formal-Statements/1997/lt011097.html>), law libraries are playing an even more significant role in the age of digital government information resources:

A variety of types of law libraries participate in the FDLP, ranging from law school libraries to those of the Federal and highest State appellate courts. These libraries provide public access to materials received through the FDLP, and law librarians in these institutions are highly-trained specialists committed to assisting patrons in locating and using government information. The mission of these valuable repositories of legal information is to serve the law-related research needs of the general public, law school students and faculty, the court systems and the practicing bar. As part of this mission, law librarians are committed to explaining to the public how to use depository and legal materials...the skills of law librarians [will] become increasingly more necessary in assisting users to locate and access electronic government information...librarians will continue to play a key role in serving as face-to-face intermediaries with the public...In addition to the specialized assistance provided by law librarians, law depository libraries play a crucial role within the FDLP in the specialized cataloging of legal materials and in providing access to historical materials that other depository libraries are not obligated to retain permanently, such as the Code of Federal Regulations. Law depository libraries are valued as well for the support they provide to other depository libraries within their regions. AALL believes that depository libraries will be called upon to play a more significant role in the electronic environment.

Through active participation as members of the Depository Library Council, as attendees at FDLP conferences, and as depository coordinators of selective depositories, law librarians have contributed to the development and improvement of the depository program and have been present at the table to offer the perspective of experts in legal research and the needs of public users of court decisions, statutes, and agency regulations. All law librarians, regardless of the depository status of their libraries, have a stake in the future of government information and the FDLP. Law librarians have been zealous advocates in the documents community for digital authentication, with great

success. AALL and its members will continue to advocate for permanent public access to government information, both through digital authentication and through the commitment to retain and preserve a core collection of print legal titles for use by the public. The law library community will continue to support GPO, provide useful and constructive suggestions when necessary, and represent the needs of law libraries.

Throughout the Task Force's tenure, task force members repeatedly heard support for the FDLP and a desire to help the program thrive. The Task Force encourages AALL members and representatives of the Government Documents SIS to continue the dialogue and to work toward the common goal of a successful future for the FDLP.

Appendix A

Talking Points from FDLP Task Force Telephone Interviews (June 2012)

Common Concerns:

- GPO budget/funding for the FDLP (especially for digitization & authentication)
- Broken PURLs and disappearing web pages (several mentions)
- Preservation of all formats, print & digital (an overwhelming task)
- Mentoring of future government information specialists—old guard is starting to retire. Are new librarians getting specific education & training they need to continue this valuable work?
- Access/accessibility (current & future)
- Dealing with space issues in our libraries. There is a shortage of space for print, so we have to decide how much we need to keep in print. Can we discard fiche if source is available online?
- Bulk data vs. compiled data
- Marketing of FDLP
- That legacy print collections be cataloged and digitized—we would like a comprehensive digital archive (searchable, authenticated, cataloged, & preserved)
- Will digitized content work on future devices as technology evolves?

Specific Suggestions (GPO should...):

- Digitally archive more government information, which will allow libraries to move away from print. But print is still important to users!
- Provide access to more federal court opinions on FDsys (several mentions). PACER isn't particularly usable...
- Create a more user-friendly interface for FDsys—current set-up is not intuitive.
- Authenticate more sources.
- Provide tutorials for users
- Focus on the FDLP as a network of librarians. A key benefit of the FDLP is being linked in a network of government information providers—cooperation & communication across library type.
- Focus on agency partnerships
- Work to establish GPO's role as central government information coordinating agency (for authentication, dissemination, & preservation)
- Market the FDLP to highlight the value added by librarians who have specialized knowledge/expertise. Also the value of non-commercial sources of government information.
- Be more flexible, allow multi-state cooperation & regionally-based collections when that makes sense
- Improve the FDLP Community Site—should be used more and should be available for people not in depositories. GPO is in the social networking business—building a community of users & experts (bringing these two groups together).

Specific Suggestions (AALL and its subgroups should...):

- Use social media to support FDLP.
- Encourage members to collaborate with GPO on development & dissemination of training materials & tutorials for users
- Continue to lobby for full funding for GPO.
- Be the “squeaky wheel” as we have been on authentication.
- Compliment GPO when they do a good job!

- Encourage members to provide training for non-law librarians on use of legal materials (our pro bono work...)

Other Observations/Comments:

- Focus should be on needs of the end user of government information
- Print format for legal materials is much appreciated, along with digital—both are being used.
- FDLP is the public face of the U.S. government for many people. GPO is the central agency for government information and adding value to it. Thanks to GPO, the U.S. is a model of digital authentication for our 50 states and for other countries.
- A real strength of the FDLP for law librarians is authentication of legal resources, so that they can be taken to court or used in a contract.
- Publications of federal agencies can be as important for law libraries as primary legal sources.
- Federal court libraries are not specifically mentioned anywhere in Title 44.
- Depository community was “left in the dark” about why the Ithaka report was not accepted by GPO; there is value in some of it
- There is still strong support for the program from law libraries of all types and they say they intend to stay in the program—no plans to drop their status.

Wish List

- Better discovery system for government information
- Free MARC records for depository libraries
- Pre-processed items
- Comprehensive digital archive
- When a print title is switched to electronic-only, convert the back run to electronic as well, so information can be found all in one place.
- Capture born-digital sources before they disappear.